

Appl. No. 09/687,151
Amdt. dated September 27, 2011
Reply to Office Action of May 16, 2011 and to the Advisory
Action dated August 26, 2011
Amendment Under 37 CFR 1.116 Expedited Procedure
– Examining Group 2424

PATENT

REMARKS/ARGUMENTS

Amendments

Claims 1, 9, 30 and 31 are amended, and claims 13 and 33 are presently canceled. Therefore, claims 1-4, 6-12, 21, 22, 25, 27-32 and 34 are present for examination and claims 1, 9, 30 and 31 are the independent claims. The amendments are fully supported by the original specification. (See, e.g., page 19, line 26-page 20, line 3 and Figures 9A-9C and the accompanying text.) Applicants respectfully request reconsideration of this application as amended.

35 U.S.C. §103 Rejections: Proehl, Inoue and Hodge

The Office Action has rejected claims 1-4, 6-13, 21-22, 25 and 27-34 under 35 U.S.C. §103(a) as being unpatentable over the cited portions of U.S. Patent No. 6,990,676 to Proehl et al. (hereinafter "Proehl") in view of the cited portions of U.S. Patent No. 5,884,141 to Inoue (hereinafter "Inoue"), further in view of U.S. Patent No. 6,938,268 to Hodge (hereinafter "Hodge"). Claim 1 has been amended to indicate, "the one or more second portions extend[] from an end of the first portion to an end of the program" and that "each of the one or more second portions is received as a singlecast media." The cited references do not disclose, and indeed teach away from, these features.

The final Office Action asserts that Hodge discloses a second portion received as a singlecast media. Hodge provides a system for multi-session video-on-demand that provides video-motion-control. When a user sharing a common video-on-demand stream with other users chooses to control the video by pausing, fast-forwarding or reversing the video, the system of Hodge dedicates a portion of a bandwidth pool to the user for the amount of time needed to complete the video-motion-control (column 8, line 51 to column 9, line 11).

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As noted in the Action, “Hodge discussed that the private stream given to a particular user is only as long as is need[ed] by the instant user.” (Final Office Action, page 6.) Indeed, Hodge seeks to avoid prolonged dedication of communication pathways to customers. (See, e.g., column 1, lines 63-65 and column 5, lines 20-29.) Modifying the references to include dedicating a pathway for a second portion of a program extending to an end of the program counters objectives set forth in Hodge, as it would have seemed to inefficiently use resources and reduce a number of users that could be served by a system. Thus, Hodge teaches away from modifying the method disclosed therein to apply to a second portion extending to an end of the program.

For at least these reasons, applicants submit that claim 1 and claims dependent thereon would not have been obvious over the cited references. For at least similar reasons, claims 9, 30 and 31 and claims dependent thereon also would not have been obvious over the cited art.

Interview Request – Compact Prosecution

Compact prosecution is of great importance to the Applicants. Should further action be required before allowance of this application, Applicants hereby requests an interview prior to any further office action that would reject the claims. The undersigned can be reached by telephone at 303-571-4000 to schedule that interview.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

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If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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